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TAGS: [PREL](#) [PGOV](#) [MARR](#) [PINR](#) [BY](#) [SF](#)
SUBJECT: BURUNDI CEASE FIRE AT CRITICAL JUNCTURE

REF: PRETORIA 1077

Classified By: Charge d' Affaires Ann Breiter for Reasons 1.4 (B) and (D.)

¶1. (C) Summary: Burundi's cease fire agreement with the rebel PALIPEHUTU-FNL has stalled. Visiting South African analyst Jan van Eck (protect) warned that the accord could collapse because the South African facilitators had assured the FNL that certain outstanding issues could be discussed in Bujumbura following the September signing. Van Eck claimed, however, that the facilitators never obtained the Government of Burundi's (GOB's) assent to this plan. Van Eck feared that this revelation might prompt the FNL to leave the negotiating table. South Africa's Ambassador to Burundi (protect) disputed this claim, but he acknowledged that on March 26, the FNL categorically refused to continue discussions until the GOB met its concerns. Clearly annoyed, the Ambassador implied that Van Eck's discussions with the FNL may have prompted the party to take a harder line. For his part, Van Eck plans to travel to Dar es Salaam on March 31 to meet with FNL leaders there and return to Burundi early in the week. Van Eck also expressed concern that FNL chief Agathon Rwasas personal credibility within his party could be at stake. End Summary.

Two Conflicting Stories

¶2. (C) Burundi's fragile cease fire agreement with the rebel PALIPEHUTU-FNL may be on the verge of failure, warned South African analyst Jan van Eck (protect) on March 29. The FNL signed the September cease fire agreement after intense pressure from the facilitators, said Van Eck, because the facilitators assured the FNL that they would be able to negotiate certain key points, including terms of political participation, after the signing. However, newly-elected CNDD-FDD party President Jeremie Ngendakumana, who participated in the peace talks in Dar es Salaam for a time, told Van Eck on March 29 that the Government of Burundi (GOB) never agreed to continue talks, and that the facilitators never broached the possibility of such an arrangement with the GOB. Burundi's government has steadfastly maintained that it will not reconsider the terms of the September 8, 2006, agreement.

¶3. (C) According to Van Eck, Ngendakumana expressed shock at Van Eck's report that the FNL had agreed to sign only on condition that the two sides would continue to negotiate certain key points. In Van Eck's presence, Ngendakumana immediately telephoned South African Ambassador to Burundi Mdu Lembede to seek confirmation of the report. Ambassador Lembede apparently tacitly confirmed Van Eck's version of

events, according to Van Eck. Van Eck surmised that, in the runup to the agreement, the facilitators may have "forgotten" to advise the Government of Burundi of the proposal. He feared that, once FNL leaders learned of the apparent disconnect, they could question the good faith not only of the GOB, but also of the facilitators themselves.

¶4. (C) Ambassador Lembede hotly contested this version of events, telling Charge on March 30 that when the FNL signed the cease fire agreement in Dar in September, they continued to insist upon additional discussions on four outstanding issues: the rewriting of Burundi's history; the Truth and Reconciliation Commission; the identification and location of assembly areas for former combatants; and FNL participation in the government. The parties discussed these concerns in Dar for over six hours before agreeing that they would be more appropriately discussed in Bujumbura. Lembede reminded Charge that he had personally participated in the talks in Dar and thus knew what was said.

¶5. (C) Ambassador Lembede continued that when President Nkurunziza met with FNL leader Agathon Rwasa in Dar es Salaam in September, Nkurunziza plainly stated that given the provisions of Burundi's Constitution, he could not guarantee that FNL members could obtain specific positions in the government. Once FNL leaders are demobilized, the government could advise the party of those government positions which were available, and FNL members could compete for those jobs based on their skills and merit.

¶6. (C) Lembede acknowledged, however, that the implementation process has come to a standstill. Certain of the FNL's most recent demands, he said, would be very difficult to meet. For example, continued the Ambassador, the FNL has asked the government to release all political prisoners before they continue discussions; however, the government could not simply open the doors of all Burundi's prisons. Instead, the release would require a defined process.

¶7. (C) The mandate of the Joint Verification Monitoring Mechanism is to implement the cease fire, continued Lembede, but the process could not succeed without the cooperation of the FNL. Ambassador Lembede lamented that the FNL representatives still remain outside the negotiating process and are obliged to consult with their senior leaders by telephone in order to make decisions. Lembede added that he could not understand the FNL's continued absence; as long as the FNL remains outside the process, there will be no movement. Unfortunately, opined the Ambassador, Burundi's government is no longer focusing on the cease fire agreement because it is consumed with other, more pressing problems. He concluded that both parties must exhibit political will in order for the agreement to succeed. The South African facilitators planned to meet with a technical team in Cape Town on March 30 to review ways in which to reinvigorate the discussions. However, Ambassador Lembede warned that ultimately, if the two sides could not resolve their differences sufficiently to implement the agreement, the entire process would collapse.

¶8. (C) Turning again to Van Eck's statements, Lembede stated with visible frustration that he did not know where Van Eck received his information, nor what he was trying to achieve. Lembede somewhat angrily commented that Friday, March 23, the FNL had not yet responded to the government's position. He noted that Van Eck arrived in Burundi on Sunday evening, and on Monday, the FNL flatly refused to continue negotiations. "I don't think that's a coincidence," alleged Ambassador Lembede.

Rwasa's Credibility Threatened?

¶9. (C) Van Eck, in turn, has expressed grave concern that the revelation that Burundi never agreed to the subsequent political talks, a stipulation which the FNL required in order to sign the September agreement, could destroy the

South African facilitators' credibility. In the worst case, the FNL could decide to break off talks completely and return to the bush. In an effort to break the impasse, Van Eck proposed to Ngendakumana that President Nkurunziza meet personally with FNL chief Agathon Rwasa. Ngendakumana was receptive to the proposal. Van Eck planned to meet with African Union representatives later on March 29 to discuss options. He also planned to travel briefly to Dar es Salaam over the weekend of March 31 to meet with FNL spokesperson Pasteur Habonimana and then to return to Burundi early in the week.

¶10. (C) Rwasa's personal credibility and leadership within the FNL is at stake, opined Van Eck. He characterized the FNL as a very dogmatic, tightly run operation whose discipline results largely from Rwasa's leadership and the force of his personality. Were Rwasa to be discredited, the potential for violence from rogue elements of the party would increase dramatically.

¶11. (C) Van Eck also expressed fears that a continuing power struggle within the ruling CNDD-FDD could weaken the government. Despite Radjabu's dismissal as party head, President Nkurunziza is still widely perceived as a weak figure who spends little time in the office, thus leaving a "power vacuum." According to Van Eck, party members increasingly hope to put pressure on the President to serve a portion of his term and then to resign in favor of another, stronger leader who would be able to make tough decisions.

¶12. (C) During his meeting with Van Eck, African Union (AU) Ambassador Mamadou Bah decried the JVMM's inability to make substantive progress on implementation, according to another western diplomatic source who spoke with Van Eck on the evening of March 29. Ambassador Bah suggested that if the two sides could at least agree on the location of assembly areas, the underutilized AU forces could perhaps begin to prepare assembly areas for the FNL troops. The AU's forces include one battalion of former UN peacekeepers who remained in Burundi following the UN's drawdown in December and were immediately rehatted. However, both Bah and Van Eck worried that the FNL leadership would oppose such a move, believing that it would serve to confirm that the government never intended to negotiate further any of the FNL's concerns.

Comment

¶13. (C) This is Jan Van Eck's first trip to Burundi in over a year; he reportedly was denied a visa to return to the country after certain government officials, notably former CNDD-FDD head Hussein Radjabu, became concerned about his close relations with the FNL. Following Radjabu's dismissal as party head, Van Eck sought successfully to return to Burundi. While clearly sympathetic to the FNL, he nevertheless enjoys access to the highest levels of Burundian society, in which he is a known and respected commodity. As one of the most long-serving diplomats in Bujumbura, African Union Ambassador Bah has an extensive knowledge of Burundi's peace process and commands widespread admiration.

¶14. (C) While it is unclear what influence Van Eck may have had, if any, on the FNL's decision to halt discussions, it is certain that the talks have reached a critical, and possibly perilous, juncture. The facilitators have long worried that if the FNL walks away from the table, it would be very difficult to draw them - and also possibly the government itself - back into the discussions. It is also possible that the infighting in the ruling CNDD-FDD party over the past months has distracted the government from the process itself.

Nonetheless, with a major donor conference scheduled in Bujumbura in late May, the government has a powerful incentive to keep the FNL engaged.

BREITER